

The Examiner also stated that the message play back circuit, the visual indication, the video display, the text message and the symbol generator are not shown in the drawings. Again, Applicant respectfully traverses. The message play back circuit cited in claim 3 is shown in Fig. 3F, and the specification states "the voice message playback circuit 340 transmits a user-recorded message indicating that the user is not currently answering telephone calls" (page 7, lines 30-31).

The visual indication may be provided by a visual indicator, which is part of the ring detector and activator circuit 330 as stated on page 7, lines 23-25 of the specification. The ring detector and activator circuit 330 is shown in Fig. 3A. This visual indicator may be an indicator light as stated on page 6, line 19.

The video display may be a mechanism used to indicate a call-in-progress to a user (page 6, line 18), and the function of indicating calls are being intercepted is performed by the ring detector and activator circuit (page 7, lines 23-24). As indicated above, the ring detector and activator circuit 330 is shown in Fig. 3A.

Similarly, the text or graphics on a video display may be used to indicate a call-in-progress to a user (page 6, line 18), and Applicant asserts that the text and symbol generator is inherent to a video display such as a television or computer screen. The video display, as explained above, is performed by the ring detector and activator circuit (page 7, lines 23-24), and the ring detector and activator circuit 330 is shown in Fig. 3A.

Additionally, the Examiner stated that the functional architecture of interceptor 110 must show how the above discussed feature modules are functionally related to the interceptor. Applicant respectfully asserts that Fig. 3A illustrates an embodiment of the interceptor (page 4, line 18) and Fig. 3A illustrates the schematic diagram, where an unit activator, a ring detector & off-hook activator, a voice message playback unit, and a voice message recording unit are shown. The feature modules cited by the Examiner belong to different units shown in Fig. 3 as discussed above.

Applicant submits that all the feature modules cited by the Office Action are shown in the drawings and that the functional relationship between the feature modules is also shown in the drawings. Therefore, Applicant respectfully requests the objection to the drawings be withdrawn.

Claim rejection under 35 U.S.C. §112

The Office Action rejected claims 1-14 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses the rejection and requests reconsideration in view of the following remarks.

Claims 1 and 9

The Office Action stated that “a delay circuit, responsive to the counter, the ring signal and the user input, that is programmed to” is not enabled because the specification does not teach “a user-programmable computer.” Applicant respectfully traverses.

Most telephone systems are already managed by programmable computer systems. It would be a trivial matter for a telephone engineer to program the steps recited in the claims onto one such existing computer system. It certainly would not require undue experimentation and such systems are clearly known to those skilled in the art.

Further, Applicant directs the Examiner’s attention to page 5, lines 25-31, and page 6, lines 1-3, where states that one embodiment of the invention has a button that functions like a snooze button and user can press it to inhibit the ringing. It also states that each click of the snooze button provides a progressively longer period of ring delay. From the cited passage, it is clear that the invention can be programmed. There is no need to have “a user-programmable computer” for the invention to work, because a device can be programmable without being a computer in the traditional sense. Programming functions can be easily achieved with a user interface and a set of instructions stored in a device. Pressing the snooze button once is different from pressing the snooze button twice or three times, and providing different inputs to a device and device responding differently to these inputs is programming the device.

Furthermore, Applicant asserts that the claimed circuit could comprise any one of the many electronic programmable devices commonly known to those of skill in the art, and that one of skill in the art could select and employ one such device in the invention without undue experimentation.

Therefore, Applicant submits that claims 1 and 9 are fully enabled, and requests the rejection to be withdrawn.

Claim 2

The Office Action stated that “telephone selection circuit” is not enabled because the specification does not teach this circuit or a controller for selecting some of the plurality of telephones. Applicant respectfully traverses.

The telephone selection circuit is commonly used by both local telephone systems and local exchange carriers (LECs) and the specification discloses that all the functions of the invention could be done at the LEC (page 7, line 8-9).

Therefore, Applicant submits that claim 2 is fully enabled, and requests the rejection to be withdrawn.

Claims 12-14

The Office Action stated that "a circuit that is integrated into the telephone is not enabled," because the specification discloses a telephone interceptor to be used with a set of telephones and not integrated into the telephone. Applicant respectfully traverses.

The passage referred by the Office Action is for determining if a user input has been asserted by a user (claim 9). The specification states on page 7, lines 4-9, that the user input could be a button on a telephone handset, and further, a circuit for accomplishing the user input can be installed in the local telephone. Again, it would be trivial for one skill in the art to incorporate such know technology within a single telephone unit.

Therefore, Applicant submits claims 12-14 are fully enabled, and requests the rejections to be withdrawn.

Claim rejection under 35 U.S.C. §103

The Examiner rejected claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over Borg et al (U.S. Pat. No. 4,578,540). Applicant respectfully traverses the rejection and requests reconsideration in view of the above amendments and the following remarks.

Claims 1, 2, and 9

The Office Action stated that Borg et al disclosed all elements of claim 1, except a programmable delay feature. The Office Action further stated that the data processor in Borg et al is a user-programmable computer and therefore, it would have been obvious to program such feature. Applicant respectfully traverses.

As the Examiner stated, Borg et al does not disclose a programmable delay feature with a counter programmed to count a selected amount of time from a user input and a delay circuit that is responsive to the counter and rings telephones accordingly. Borg et al does not disclose a counter or a delay circuit. It may be true that a data processor from Borg et al is capable of being programmed to accomplish different functions. However, there is no suggestion for the data processor to be programmed to provide a delay feature.

In order to form a valid rejection, a reference must disclose all elements of the rejected claims. MPEP §706.02(j), and Borg et al does not disclose at least the elements of a counter and a delay circuit. Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 3-8

Claims 3-8 depend from claim 1, and Applicant asserts that claims 3-8 are allowable over the cited reference for at least the same reasons asserted with respect to claim 1.

Claims 10-11

Claims 10-11 depend from claim 9, and Applicant asserts that claims 10-11 are allowable over the cited reference for at least the same reasons asserted with respect to claim 9.

Claim 12

The Office Action stated that claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Borg et al in view of D'Agosto et al (U.S. Pat. No. 4,860,339). Applicant respectfully traverses.

The Office Action stated that D'Agosto et al discloses a telephone terminal comprising a keypad 24 with user programmable keys 30 and 32 that sense different codes. However, Applicant is unable to find any mention in D'Agosto et al of determining a length of delay as recited by claim 12.

Because Borg et al, in view of D'Agosto et al, does not disclose all elements of claim 12, Borg et al and D'Agosto et al cannot render claim 12 obvious, therefore, Applicant requests the rejection be withdrawn.

Claims 13-14

Claims 13-14 depend from claim 9, and Applicant asserts that claims 13-14 are allowable over the cited reference for at least the same reasons asserted with respect to claim 9.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-14 are in condition for allowance and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (404-873-8734) to facilitate prosecution of this application.

No addition fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, including any necessary extensions of time, which are hereby requested, to Deposit Account No. 501403.

2/7/03
Date

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